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November 19, 2024

Ms. Arlys Dalton
Office of Environmental Assessment
P.O. Box 4314
Baton Rouge, LA 70821-4314

**Re: EXCEPTIONAL EVENT DEMONSTRATION, Saharan Dust
Outbreak: June 12-16, 2022, Port Allen Monitor**

Dear Ms. Dalton:

The Midwest Ozone Group¹(“MOG”) is pleased to provide comments in support of this demonstration and the use of the data involved in support of other demonstrations related to the events involved.

While the Clean Air Act (the “Act”) requires States to meet certain air quality standards, the Act also recognizes that exceptional events, including wildfires, prescribed burns, or dust and high winds may sometimes prevent that from happening. Exceptional events can cause air quality monitoring data to exceed

¹ The membership of the Midwest Ozone Group includes: Ameren, American Electric Power, American Forest & Paper Association, American Iron and Steel Institute, American Wood Council, Appalachian Region Independent Power Producers Association, Associated Electric Cooperative, Berkshire Hathaway Energy, Big Rivers Electric Corp., Buckeye Power, Inc., Citizens Energy Group, City Water, Light & Power (Springfield IL), Cleveland-Cliffs Inc., Council of Industrial Boiler Owners, Duke Energy Corp., East Kentucky Power Cooperative, ExxonMobil, FirstEnergy Corp., Indiana Energy Association, Indiana-Kentucky Electric Corporation, Indiana Municipal Power Agency, Indiana Utility Group, Hoosier Energy REC, inc., LGE/ KU, Marathon Petroleum Company, National Lime Association, North American Stainless, Nucor Corporation, Ohio Utility Group, Ohio Valley Electric Corporation, Olympus Power, Steel Manufacturers Association, and Wabash Valley Power Alliance.

permissible concentrations of a pollutant, also called an exceedance. When that happens, the Act directs the Administrator of the United States Environmental Protection Agency (USEPA) to exclude that data from further consideration if the state demonstrates to USEPA's satisfaction that the event caused the exceedance.

On October 18, 2024, the Louisiana DEQ (“DEQ”) issued a public notice regarding the availability for comment of a proposed “Exceptional Events Demonstration, Saharan Dust Outbreak: June 12-16, 2022” The deadline for the submittal of comments is November 20, 2024.

The proposed exceptional events demonstration details the PM_{2.5} episode occurring throughout the state of Louisiana from June 12-16, 2022, and specifically addresses PM_{2.5} readings at the Port Allen ambient air monitoring site on June 12-16, 2022.

The following comments are offered on behalf of MOG in support of this exceptional events demonstration and the demonstrations of other states seeking to recognize the same events.²

MOG is an affiliation of companies and associations that draws upon its collective resources to seek solutions to the development of legally and technically sound air quality programs that may impact on their facilities, their employees, their communities, their contractors, and the consumers of their products. MOG's primary efforts are to work with policy makers in evaluating air quality policies by encouraging the use of sound science. MOG has been actively engaged in a variety of issues and initiatives related to the development and implementation of air quality policy, including the development of transport rules (including exceptional events demonstrations, implementation of NAAQS standards, nonattainment designations, petitions under Sections 126, 176A and 184(c) of the Clean Air Act (“CAA”), NAAQS implementation guidance, the development of Good Neighbor State Implementation Plans (“SIPs”), the development of greenhouse gas and Mercury and Air Toxics Standards Rules and related regional haze issues. MOG Members and Participants own and operate numerous stationary sources that are affected by air quality requirements including the PM_{2.5} NAAQS.

By way of background, when amending the Clean Air Act in 2005, Congress intended to provide regulatory relief for NAAQS nonattainment resulting from exceptional events negatively affecting air quality that were outside of a state's control. That concern led to enactment of provisions specifically establishing the process by which USEPA could exclude air quality monitoring data directly related

² These comments were prepared with the technical assistance of Alpine Geophysics, LLC.

to an exceptional event. *See* 42. U.S.C. § 7619. Subsequently, USEPA promulgated the exceptional events rule. 40 C.F.R. § 50.14. Under the exceptional events rule, USEPA excludes “any data of concentration of a pollutant above the NAAQS (exceedances) if the air quality was influenced by exceptional events.” *Bahr v. Regan*, 6 F.4th 1059, 1066 (9th Cir. 2021) (cleaned up).

A state requesting data exclusion under the exceptional events rule must demonstrate “to the Administrator's satisfaction that such event caused a specific air pollution concentration at a particular air quality monitoring location.” 40 C.F.R. § 50.14(a)(1)(ii). That demonstration must include certain regulatory required information:

- (A) A narrative conceptual model that described the event(s) causing the exceedance or violation and a discussion of how emissions from the event(s) led to the exceedance or violation at the affected monitor(s);
- (B) A demonstration that the event affected air quality in such a way that there exists a clear causal relationship between the specific event and the monitored exceedance or violation;
- (C) Analyses comparing the claimed event-influenced concentration(s) to concentrations at the same monitoring site at other times to support the requirement at paragraph (c)(3)(iv)(B) of this section. The Administrator shall not require a State to prove a specific percentile point in the distribution of data;
- (D) A demonstration that the event was both not reasonably controllable and not reasonably preventable; and
- (E) A demonstration that the event was a human activity that is unlikely to recur at a particular location or was a natural event.

40 C.F.R. § 50.14(c)(3)(iv).

A state must also comply with pre-request requirements, which include notifying USEPA of the intent to request exclusion, flagging data to be excluded, engaging in public comments, and implementing mitigation measures. *See* 40 C.F.R. § 50.14(c)(2)(i); 40 C.F.R. § 50.14(c)(3)(v); 40 C.F.R. § 51.930. In short, there are three core statutory elements: (1) a clear causal relationship; (2) a showing that the event was not controllable, and (3) a showing that the event was human activity unlikely to recur at a particular location or was a natural event.

Depending on the circumstances of a particular exceptional event, a particular tier of evidence is required to provide a compelling case to USEPA to exclude data under the Exceptional Events Rule. In instances where a state provides sufficient evidence to showcase that a given event is indeed an irregularity, USEPA will make a concurring determination and issue an exclusion of that specific event from the dataset. 40 C.F.R. 50.14(c)(2)(ii).

MOG notes that the Exceptional Events Rule at 40 CFR 50.1(p) defines a high wind dust event as an event that includes the high-speed wind and the dust that the wind entrains and transports to a monitoring site. In addition, EPA guidance published in April of 2019 states that “EPA will work with air agencies to help right-size the level of supporting documentation, which will vary on a case-by-case basis depending on the nature and severity of the event, as appropriate under a weight-of-evidence approach.”³ The EPA guidance also confirms that “EPA recognizes that new types of analyses, tools, and other types of evidence may become available for demonstrations in the future with continuing advancements in technology.” EPA clearly recognizes that these types of events can cause exceedances that impact design values in a particular area.

USEPA has recognized that these particular events are exceptional and that states may request to exclude them from the dataset, given that a sufficient evidentiary standard is met. *Id.*; see generally, 81 Fed. Reg. 68216. It is important to note that the overall processes for exceptional events demonstrations for high wind and dust events are similar to demonstrations for wildfire ozone and wildland fire PM_{2.5} events.

MOG agrees that the proposed DEQ demonstration shows that the level of PM_{2.5} concentration measured at the Port Allen ambient air monitoring site on June 12-16, 2022, was not reasonably controllable, not reasonably preventable, and was a natural event. MOG also agrees with DEQ that, using the NASA Modern-Era Retrospective analysis for Research and Applications, Version 2 (MERRA2) data and combining all PM_{2.5} constituent species resolved by MERRA-2 (i.e., sea salt, dust, black carbon, organic carbon, and sulfate), it is clear that the PM_{2.5} levels measured at the Port Allen monitor during the June 12-26 period were caused by the Saharan dust event. In short, MOG agrees that the proposed DEQ demonstration meets all of the requirements to confirm that the data for the Port Allen monitor during the June 12-26, 2022, period were the result of an exceptional event.

MOG notes that the proposed demonstration shows that the June Saharan dust event affected multiple sites, causing daily average PM_{2.5} concentrations at the Port

³ See https://www.epa.gov/sites/default/files/2019-04/documents/high_wind_dust_event_guidance.pdf

Allen monitor to range from 32.9 $\mu\text{g}/\text{m}^3$ to 36.9 $\mu\text{g}/\text{m}^3$ during the event. This was confirmed by DEQ in Appendix A of their demonstration using the Environmental Protection Agency’s Tiering Tool and presented in the figure below.⁴ In addition, the proposed demonstration shows that concentrations at other monitors throughout the state during this period ranged from 15.3 $\mu\text{g}/\text{m}^3$ to 51.8 $\mu\text{g}/\text{m}^3$.



MOG fully supports the DEQ request that the USEPA Administrator excludes the ambient $\text{PM}_{2.5}$ concentrations measured at the Port Allen monitor from June 12-16, 2022, from calculation of annual $\text{PM}_{2.5}$ design values and from other regulatory determinations. As set forth in its proposed demonstration, DEQ has shown that transported dust from the 2022 Saharan dust event caused the $\text{PM}_{2.5}$ exceedances at the Port Allen monitor from June 12-16, 2022. DEQ correctly notes that exclusion of the June 12-16, 2022, data points will lower the 2022 annual mean to 8.85 $\mu\text{g}/\text{m}^3$, which reduces the three-year 2023 $\text{PM}_{2.5}$ DV to 8.98 $\mu\text{g}/\text{m}^3$, and allows this monitor to be considered attainment.

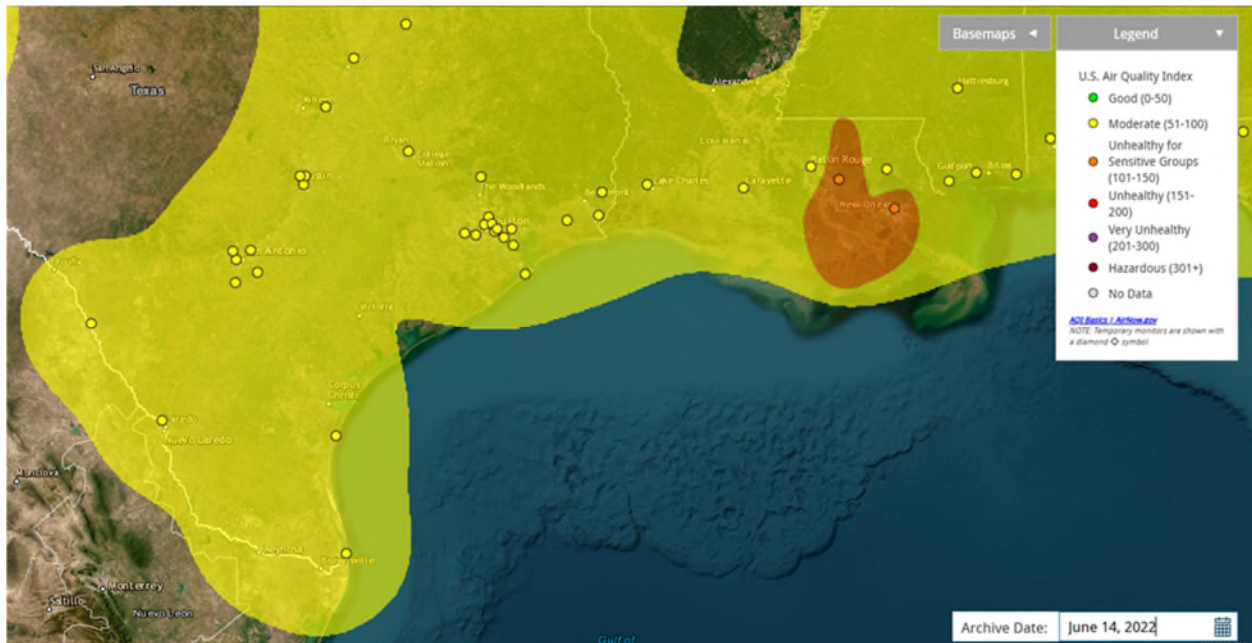
The proposed demonstration goes on to address such remaining factors as a narrative conceptual model describing the event as not reasonably controllable and

⁴ U.S. Environmental Protection Agency. “Tiering Tool – for Exceptional Events Analysis”. Air Quality Analysis. U.S. Environmental Protection Agency, March 26, 2024, <https://www.epa.gov/air-quality-analysis/tiering-tool-exceptional-events-analysis>

not caused by human activity and satisfies requirements related to notification of the public of the events and participation of the public in the submission of this request.

The monitor and episode days that are carefully addressed in the proposed DEQ demonstration are far from the only ones that have influenced air quality during those time frames. Many PM_{2.5} monitors in the same area also observed 24-hour average PM_{2.5} concentrations at significantly elevated levels on the same exclusion dates, as well as on days around these dates. As has been noted, additional days, even if not currently ‘regulatorily significant,’ may in the future be relevant and significant not only to Louisiana but also to other states. USEPA should consider allowing this demonstration to stand for those additional monitors and days, as needed.

Air quality data and maps demonstrate that air quality during this identified episode also had significant impact on multiple other monitors in the Gulf of Mexico region. Below are PM_{2.5} air quality index plots from June 14 and 15, 2022, that illustrate that multiple monitors in the region are likely to have Tier 1 threshold exceedances of current or future regulatory significance associated with this Saharan dust episode.





MOG urges USEPA to accept other demonstrations that may utilize this technical work to demonstrate dust influence on other regional monitors during the same episodes of record.

MOG appreciates this opportunity to offer comments in support of the proposed DEQ exceptional events demonstration for the exceedances of the 2023 Annual $PM_{2.5}$ NAAQS at the Port Allen monitor from June 12-16, 2022, due to the Saharan dust episode. MOG also appreciates the opportunity to express support for consideration of this data in the development of demonstrations by other states related to these events. Congress has made it clear that data of the nature described in this demonstration cannot and should not be used to implement a National Ambient Air Quality Standard and other matters of regulatory significance.

Very truly yours,

Edward L. Kropp
 Legal Counsel
 Midwest Ozone Group